

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL ACTION NO.
)
) 2:06cr10-MHT
MARNEKIA DESHAY MILNER)

ORDER

This cause is before the court on the motion to continue filed by defendant Marnekia Deshay Milner on March 30, 2006. This case is currently set for trial in the April 24, 2006 term. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h)(8).

While the granting of a continuance is left to the sound discretion of the trial judge, see United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part as follows:

"In any case in which a plea of not guilty is entered, the trial of a

defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

Id. § 3161(c)(1). However, the Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." Id. § 3161(h)(8)(A).

This court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Milner in a speedy trial. Milner is currently cooperating with the government in ongoing investigations involving two different agencies and offices located in different states. The government agrees that the currently-scheduled trial date would not allow the parties to reap the full benefits of this cooperation,

and that a continuance will serve the best interest of the parties. Milner has filed a waiver of her Speedy Trial Act rights.

Accordingly, it is ORDERED that defendant Marnekia Deshay Milner's motion to continue (Doc. No. 16) is granted, and that her jury selection and trial are continued to the criminal term of court beginning on August 7, 2006.

DONE, this the 31st day of March, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE